

REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application.

I. Election/Restrictions

Applicants, again, elect to prosecute claims 1-17, the same being directed to a skin care cosmetic composition. Regarding claims 18-20 Applicants, again, submit that examining the same can be done without serious burden and that the restriction requirement should be withdrawn. Nevertheless, Applicants will consider cancelling claims 18-20 upon an indication from the Examiner that claims 1-17 are in condition for allowance.

II. Rejection Under 35 USC §112, First Paragraph

The Examiner has rejected claims 1-17 under 35 USC §112, first paragraph and alleges that the specification fails to comply with the written description requirement. Particularly, the Examiner mentions that defining molecular weights in the absence of the type of molecular weight being claimed is not an adequate description. The Examiner mentions that Applicants fail to adequately describe the molecular weight of the copolymer and type of molecular weight of each monomer. The Examiner further mentions that there are different kinds of molecular weights. Most common are number average and weight average molecular weights as well as peak average, viscosity average and Z average molecular weights. The Examiner concludes that the specification fails to adequately describe the type of molecular weight, and therefore, believes that the first paragraph rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is clearly consistent with the 35 USC §112, first paragraph for at least the reasons set forth below.

Applicants wish to point out that with respect to poly (Butadiene-b-Ethylene Oxide) the same is defined as having a polydispersity, i.e., ratio of weight-average molecular weight to number-average molecular weight, of about 1 to about 5, preferably about 1 to about 1.05, and more preferably about 1.04. Such ratios insure a uniform distribution of the blocks which help achieve the desired hydrophilic lipophilic balance.

Support for such language may be found on page 9 of the specification as originally filed and between lines 20 and 25. In view of this, it is respectfully submitted that the molecular weight of the polymers claimed are clearly defined in light of the specification.

Therefore, Applicants submit that claims 1-17 comply with the written description requirement set forth in 35 USC §112, first paragraph. Therefore, it is requested that the first paragraph rejection be withdrawn and rendered moot.

III. Rejection Under 35 USC §112, Second Paragraph

The Examiner has rejected claims 1 and 9 under 35 USC §112, paragraph 2 and alleges that the same are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In the rejection, the Examiner mentions, in summary, that the recitation of molecular weight without specifying the type of molecular weight is indefinite.

Nevertheless, in view of the above, and in view of the teachings on page 9 of the specification between lines 20 and 25, Applicants submit that the claims as presented

comply with 35 USC §112, second paragraph. Therefore, Applicants respectfully request that the second paragraph rejection be withdrawn and rendered moot.

Applicants submit that all claims of record are in condition for allowance. Reconsideration and favorable action are earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, the Examiner is kindly invited to contact the undersigned at his or her earliest convenience.

Respectfully submitted,



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